

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

And

THE HON'BLE MR JUSTICE C.V.RAMULU

W.A.M.P.NO : 2678 of 2004

In

W.A.No. 1199 of 2004

Between:

1. K. Raghu Mohan Rao s/o K. Anjaiah, Aged: about 58 years, Occup: Business.
2. K. Sobha Rani w/o K. Raghu Mohan Rao, Aged: about 48 years, Occup: Business.
3. K. Sampath Kumar s/o K. Raghu Mohan Rao, Aged: about 20 yearss, occup: Student.

(Petitioners 1 to 3 are r/o 3-1-168, Swamy Vivekananda Street, Secunderabad.
4. A. Prabhu s/o Papaiah, Aged: about 40 years, Occup: Business, r/o Somasundaram Street, Secunderabad.

Petitioners/Proposed Respondents.

AND

- 1 Smt. Saroji Bai, W/o. Kishtaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 2 D. Ramulu, S/o. D. Yellaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 3 J. Ramaiah, S/o. Bhoomaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 4 E. Ramesh Babu, S/o. Nagabhushanam,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 5 S. Rajaiah, S/o. Rajaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 6 Smt. D. Umarani, W/o. Late D. Ramesh,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 7 B. Swamy, S/o. B. Ramaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 8 Smt. Laxminarsamma, W/o. D. Narayana,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 9 Smt. Laxmi Bai, W/o. Satyanarayana,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 10 L. Narsimha, S/o. Late Narsimha,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 11 Smt. Pentamma, W/o. Narsimha,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 12 B. Jagannatham, S/o. B. Sataiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.

Respondents/Appellants.

13. The Municipal Corporation of Hyderabad, Rep by its Commissioner,
Hyderabad.
14. The City Planner, Town Planning Section, Municipal Corporation of
Hyderabad, Secunderabad Division,
Secunderabad.

Respondents/respondents.

Petition filed under Order-I Rule 10 read with Section 151 CPC praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to implead the petitioners as party respondents 3 to 6 in the Writ Appeal.

Counsel for the Petitioners/Proposed respondents: MR. B.

VIJAYSEN

Counsel for the Respondents/Appellants Nos. 1 to 12:
MR.V.VENKATARAMANA

Counsel for the Respondents/respondent Nos.13 &14: SMT.G.JYOTHI KIRAN.

Review W.P.M.P. (Sr.No) 86404 of 2004

In

W.A.No. 1199 of 2004

Between:

1. K. Raghu Mohan Rao s/o K. Anjaiah, Aged: about 58 years, Occup: Business.
2. K. Sobha Rani w/o K. Raghu Mohan Rao, Aged: about 48 years, Occup: Business.
3. K. Sampath Kumar s/o K. Raghu Mohan Rao, Aged: about 20 yearss, occup: Student.

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4. A. Prabhu s/o Papaiah, Aged: about 40 years, Occup: Business, r/o Somasundaram Street, Secunderabad.

Petitioners.

AND

- 1 Smt. Saroji Bai, W/o. Kishtaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 2 D. Ramulu, S/o. D. Yellaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 3 J. Ramaiah, S/o. Bhoomaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 4 E. Ramesh Babu, S/o. Nagabhushanam,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 5 S. Rajaiah, S/o. Rajaiah,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 6 Smt. D. Umarani, W/o. Late D. Ramesh,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 7 B. Swamy, S/o. B. Ramaiah,

- R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 8 Smt. Laxminarsamma, W/o. D. Narayana,
R/o. H.NO. 1-4-229 to 243/1, Kalasiguda, Secunderabad.
- 9 Smt. Laxmi Bai, W/o. Satyanarayana,
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- 10 L. Narsimha, S/o. Late Narsimha,
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- 11 Smt. Pentamma, W/o. Narsimha,
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- 12 B. Jagannatham, S/o. B. Sataiah,
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Respondents/Appellants.

13. The Municipal Corporation of Hyderabad, Rep by its Commissioner,
Hyderabad.
14. The City Planner, Town Planning Section, Municipal Corporation of
Hyderabad, Secunderabad Division,
Secunderabad.

Respondents/respondents.

Petition filed under Section 114 CPC praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to review the order passed by this Hon'ble Court in W.A.No. 1199 of 2004 dated 04-08-2004.

Counsel for the Petitioners: MR. B. VIJAYSEN REDDY.

**Counsel for the Respondents/Appellants Nos. 1 to 12:
MR.V.VENKATARAMANA**

Counsel for the Respondents/respondent Nos.13 &14: SMT.G.JYOTHI KIRAN

The Court made the following:

THE HON'BLE SRI DEVINDER GUPTA,
THE CHIEF JUSTICE
AND

THE HON'BLE SRI JUSTICE
C.V. RAMULU

W.A.M.P.No. 2678 of 2004

And

Review W.A.M.P. (Sr.) No.86404 of 2004

In

W.A.No. 1199 of 2004

Oral order: (Per: Sri Devinder Gupta, The Chief Justice)

The implead petition is filed by the persons claiming to be the joint owners of the property bearing House Nos. 1-4-229 to 2431/1 situated at Kalasiguda, Secunderabad. They are also seeking appropriate direction to review the order dated 04-08-2004 passed by us in W.A.No. 1199 of 2004 disposing of the appeal of respondent Nos. 1 to 12 herein.

The only objection raised by respondent Nos. 1 to 12 herein is as to the maintainability of such application for impleadment, while seeking review of the order dated 04-08-2004 in W.A.No. 1199 of 2004.

We have heard the learned counsel for the parties.

Obviously applicants herein were not impleaded as party respondents in W.P.No. 13078 of 2004 filed questioning the action of respondent Nos. 13 and 14 whereby the respondent Nos. 1 to 12 were asked to vacate the houses stated to be in dilapidated condition within ten (10) days and also questioned the action of respondent Nos. 13 and 14 in not affording opportunity of hearing, while passing the eviction order.

The writ petition was dismissed. The writ appeal, filed against the order in the writ petition, was disposed of on concession of the learned counsel for respondent Nos. 13 and 14 to allow the appeal by setting aside the order of the learned single Judge and remanding back the matter with a direction to respondent Nos. 13 and 14 to afford reasonable opportunity to respondent Nos. 1 to 12 herein to state their objections for their eviction and then pass appropriate orders afresh in accordance with law.

Learned counsel for the applicants herein submits that the proceedings before the 13th and 14th respondents are continued since there is no time limit fixed. It is also pointed out that eviction proceedings have been initiated against respondent Nos. 1 to 12. No doubt, ordinarily, it may not be appropriate to allow the implead petition and then review the matter. But in the given facts and

circumstances of the case, we are of the view, that the prayer now made is for fixing time schedule directing the 13th and 14th respondents to conclude the proceedings in accordance with law, which cannot be objected to by respondent Nos. 1 to 12 herein. Learned counsel for respondent Nos. 1 to 12 also states that the proceedings before 13th and 14th respondents may be directed to be disposed of expeditiously.

Accordingly, we allow the petition to implead so also the review petition and we direct that 13th and 14th respondents will try to expedite the hearing of the matter as per the directions contained in the order dated 04-08-2004 in W.A.No. 1199 of 2004 and in any case complete such proceedings within a period of six (6) months from the date of receipt of a copy of this order.

Both the petitions are disposed of accordingly.

DEVINDER GUPTA, C.J.

C.V. RAMULU, J

Dt. 08-10-2004

Pvks/ars

To

1. The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2. The City Planner, Town Planning Section, Municipal Corporation of Hyderabad,
Secunderabad Division,
Secunderabad.
3. Two C.D. copies.